

**FOR THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

DEREJE EKUBAMICAEL,

PLAINTIFF,

VS.

**DALTON ZANE SMITH AND TERRY
SATCHELL CREEK EXPRESS INC.,**

DEFENDANT.

CIVIL ACTION NO. _____

DEFENDANTS' NOTICE OF REMOVAL

I. INTRODUCTION

Pursuant to 28 U.S.C. § 1441, *et seq.*, this civil action is removed from the County Court at Law No. 4 of Dallas County, Texas, where this matter was pending under Cause No. CC-20-05156-d and styled *Dereje Ekubamichael v. Dalton Zane Smith and Satchell Creek Express, Inc.* (the “State Court Action”). Defendants hereby files their Notice of Removal.

II. NATURE OF THE SUIT

This case is a personal injury action in which Plaintiff alleges damages arising from a motor vehicle accident. Plaintiff seeks monetary relief in an amount “in excess of \$250,000 but no more than \$1,000,000.00.” *Plaintiff’s Original Petition*, p. 2.

III. TIMELINESS OF REMOVAL

Plaintiff commenced this lawsuit by filing its Original Petition on November 25, 2020. Defendants were served with the Original Petition on or about January 8, 2021. Defendants hereby file their Notice of Removal. Defendants' removal is timely because it is filed within thirty days after the Defendants were served. 28 U.S.C. § 1446.

IV. BASIS FOR REMOVAL JURISDICTION

Removal is proper under 28 U.S.C. §§ 1441 and 1332(a)(1) because there is complete diversity of citizenship between Plaintiff and Defendant and the amount in controversy exceeds \$75,000.

Plaintiff is an Individual residing in Dallas County, Texas.

Defendant Dalton Zane Smith is now and was at the time of the filing of this action an Individual residing in Oklahoma.

Defendant Satchell Creek Express, Inc. is now and was at the time of the filing of this action a Kansas corporation with its principal place of business in Kansas.

V. THIS NOTICE IS PROCEDURALLY CORRECT

Defendant has attached to its Notice of Removal the documents required by 28 U.S.C. § 1446(a) and Local Rule 81.1(a)(4) as follows:

- A. Index of all documents that clearly identifies each document and indicates the date the documents was filed in state court;
- B. A copy of the docket sheet in the State Court Action.
- C. Each Document filed in the State Court Action.

This action may be removed to this Court pursuant to 28 U.S.C. § 1441(b), because Plaintiff is a Texas Resident and no Defendant is a citizen of Texas, the state in which the action was brought. This action is removable to this Court because this United States District Court and Division embraces the place where the State Court Action was pending. 28 U.S.C. §§ 124(c)(6), 1441(a).

In accordance with 28 U.S.C. § 1446(d), written notice of the filing of this Notice of Removal will be given to all parties and Defendants have provided to the Clerk of the County Court of Law No. 4 of Dallas County, Texas, its Notice of Removal.

VI. JURY TRIAL

Defendants hereby request that this matter be set for jury trial.

VII. CONCLUSION

Since diversity jurisdiction exists over Plaintiff's claim as set forth herein, Defendants desire and are entitled to remove the lawsuit filed in in the County Court at Law No. 4 of Dallas County, Texas to the United States District Court for the Northern District of Texas, Dallas Division.

WHEREFORE, PREMISES CONSIDERED, Defendants Dalton Zane Smith and Satchell Creek Express, Inc., pursuant to and in conformance with the statutory requirements, removes this action from the County Court at Law No. 4 of Dallas County, Texas, to this Court. Defendants pray that Plaintiff take nothing by this suit; and that Defendants go hence without delay and recover all costs expended in Defendants' behalf. Praying further, Defendants pray for such other and further relief, either at law or in equity, to which Defendants may be justly entitled.

Respectfully submitted,

CHAMBLEE RYAN, P.C.

/s/ William H. Chamblee

By: _____

William H. Chamblee
State Bar No. 04086100
wchamblee@cr.law
O. Luke Davis, III
State Bar No. 05532700
ldavis@cr.law

2777 Stemmons Freeway, Suite 1257
Dallas, Texas 75207
(214) 905-2003
(214) 905-1213 (Facsimile)

ATTORNEYS FOR DEFENDANTS

Dalton Zane Smith & Satchell Creek Express Inc.

CERTIFICATE OF SERVICE

I do hereby certify that on February 2, 2021 a true and correct copy of the above and foregoing document has been served via the

_____..

/s/ William H. Chamblee

William H. Chamblee

EXHIBIT A

**NOTICE OF FILING OF NOTICE OF REMOVAL FROM THE COUNTY COURT AT
LAW NO. 4, DALLAS COUNTY, TEXAS, TO THE UNITED STATES DISTRICT
COURT FOR THE NORTHERN DISTRICT OF TEXAS**

INDEX

EXHIBIT	NAME OF DOCUMENT	DATE
A.	Index	02.02.2021
B.	Docket Sheet from State Court	02.02.2021
C.	Process of Service Documents <ul style="list-style-type: none"> • Issue of Citation – Dalton Zane Smith • Issue of Citation – Satchell Creek Express, Inc. Pleadings <ul style="list-style-type: none"> • Plaintiff's Original Petition • Defendants' Original Answer w/ Jury Demand 	12.01.2020 12.01.2020 11.25.2020 01.27.2021
D.	Certificate of Interest Persons	02.02.2021

EXHIBIT B

Case Information

CC-20-05156-D | DEREJE EKUBAMICAEL vs. DALSON ZANE SMITH, SATCHELL CREEK EXPRESS INC

Case Number
CC-20-05156-D
File Date
11/25/2020

Court
County Court at Law No. 4
Case Type
DAMAGES (COLLISION)

Judicial Officer
ROSALES, PAULA
Case Status
OPEN

Party

PLAINTIFF
EKUBAMICAEL, DEREJE

Active Attorneys ▼
Lead Attorney
SAMPSON, EDWARD W
Retained

DEFENDANT
SMITH, DALSON ZANE

Address
931 S MCCLENDON AVENUE
ATOKA OK 74525

DEFENDANT
SATCHELL CREEK EXPRESS INC

Address
SERVE REGISTERED AGENT SUSAN WILLIAMS
10756 SE SATCHELL CREEK ROAD
LEON KS 67074

Events and Hearings

11/25/2020 NEW CASE FILED (OCA)

11/25/2020 ORIGINAL PETITION ▼

PLAINTIFF'S ORIGINAL PETITION WITH DISCLOSURES

Comment

PLAINTIFF'S ORIGINAL PETITION WITH DISCLOSURES

11/25/2020 ISSUE CITATION ▼

CITATION

CITATION

Comment

ESERVE 48509474

12/01/2020 CITATION (SERVICE) ▼

Unserved

Anticipated Server

ATTORNEY

Anticipated Method

Unserved

Anticipated Server

ATTORNEY

Anticipated Method

01/27/2021 ORIGINAL ANSWER ▼

DEFENDANT'S ORIGINAL ANSWER

Comment

DEFENDANT'S ORIGINAL ANSWER

01/28/2021 JURY TRIAL DEMAND

Financial

EKUBAMICAEL, DEREJE

Total Financial Assessment \$285.00

Total Payments and Credits \$285.00

11/25/2020 Transaction Assessment \$285.00

11/25/2020	CREDIT CARD - TEXFILE (CC)	Receipt # CV-2020-12816	EKUBAMICAEL, DEREJE	(\$285.00)
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SMITH, DALSON ZANE

Total Financial Assessment \$40.00

Total Payments and Credits \$40.00

1/28/2021 Transaction Assessment \$40.00

1/28/2021	CREDIT CARD - TEXFILE (CC)	Receipt # CV-2021-00871	SMITH, DALSON ZANE	(\$40.00)
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Documents

PLAINTIFF'S ORIGINAL PETITION WITH DISCLOSURES

CITATION

CITATION

3 CCL#4 Y LETTER

DEFENDANT'S ORIGINAL ANSWER

EXHIBIT C

**THE STATE OF TEXAS
CITATION**

CAUSE NO. CC-20-05156-D
COUNTY COURT AT LAW NO. 4
Dallas County, Texas

TO:

**DALSON ZANE SMITH
931 S MCCLENDON AVENUE
ATOKA OK 74525**

“You have been sued. You may employ an attorney. If you or your Attorney do not file a WRITTEN ANSWER with the clerk who issued this citation by 10:00 A.M. on the Monday next following the expiration of twenty days after you were served this citation and PLAINTIFF'S ORIGINAL PETITION WITH DISCLOSURES, a default judgment may be taken against you.” Your answer should be addressed to the clerk of County Court at Law No. 4 of Dallas County, Texas at the Court House of said County, 600 Commerce Street, Suite 101, Dallas, Texas 75202.

DEREJE EKUBAMICAEL
Plaintiff(s)

VS.

DALSON ZANE SMITH; SATCHELL CREEK EXPRESS INC
Defendant(s)

filed in said Court on the 11/25/20a copy of which accompanies this citation.

WITNESS: JOHN F. WARREN, Clerk of the County Courts of Dallas County, Texas. GIVEN UNDER MY HAND AND SEAL OF OFFICE, at Dallas, Texas, and issued this 1st day of December, 2020 A.D.

JOHN F. WARREN, Dallas County Clerk

By , Deputy
Lupe Perez



ATTORNEY

**CITATION
PLAINTIFF'S ORIGINAL PETITION WITH
DISCLOSURES**

CC-20-05156-D

IN THE COUNTY COURT OF DALLAS
County Court at Law No. 4
Dallas County, Texas

DEREJE EKUBAMICAEL, *Plaintiff(s)*

VS.

DALSON ZANE SMITH; SATCHELL
CREEK EXPRESS INC, *Defendant(s)*

SERVE:

**DALSON ZANE SMITH
931 S MCCLENDON AVENUE
ATOKA OK 74525**

**ISSUED THIS
1ST DAY OF DECEMBER, 2020**

JOHN F. WARREN, COUNTY CLERK
BY: LUPE PEREZ, DEPUTY

Attorney for Plaintiff

EDWARD W SAMPSON
4851 LBJ FREEWAY
SUITE 710
DALLAS TX 75244
214-880-1789

**NO OFFICER'S FEES HAVE BEEN
COLLECTED BY DALLAS COUNTY CLERK**

OFFICER'S RETURN

CC-20-05156-D County Court at Law No. 4

DEREJE EKUBAMICAEL vs. DALSON ZANE SMITH, SATCHELL CREEK EXPRESS INC

ADDRESS FOR SERVICE:
931 S MCCLENDON AVENUE
ATOKA OK 74525

Fees:

Came to hand on the ____ day of _____, 20_____, at ____ o'clock ____ .m., and executed in _____ County, Texas by delivering to DALSON ZANE SMITH in person, a true copy of this Citation together with the accompanying copy of the PLAINTIFF'S ORIGINAL PETITION WITH DISCLOSURES with the date and service at the following times and places to-wit:

Name	Date/Time	Place, Course and Distance from Courthouse

And not executed as to the defendant(s), _____

The diligence used in finding said defendant(s) being:

_____ and the cause or failure to execute this process is:

_____ and the information received as to the whereabouts of said defendant(s) being:

	Serving Petition and Copy	\$ _____	_____, Officer
Total	\$ _____		_____, County, Texas
		By: _____	Deputy
		_____	Affiant

**THE STATE OF TEXAS
CITATION**

CAUSE NO. CC-20-05156-D
COUNTY COURT AT LAW NO. 4
Dallas County, Texas

TO:

**SATCHELL CREEK EXPRESS INC
SERVE REGISTERED AGENT SUSAN WILLIAMS
10756 SE SATCHELL CREEK ROAD
LEON KS 67074**

“You have been sued. You may employ an attorney. If you or your Attorney do not file a WRITTEN ANSWER with the clerk who issued this citation by 10:00 A.M. on the Monday next following the expiration of twenty days after you were served this citation and PLAINTIFF'S ORIGINAL PETITION WITH DISCLOSURES, a default judgment may be taken against you.” Your answer should be addressed to the clerk of County Court at Law No. 4 of Dallas County, Texas at the Court House of said County, 600 Commerce Street, Suite 101, Dallas, Texas 75202.

DEREJE EKUBAMICAEL
Plaintiff(s)

VS.

DALSON ZANE SMITH; SATCHELL CREEK EXPRESS INC
Defendant(s)

filed in said Court on the 11/25/20a copy of which accompanies this citation.

WITNESS: JOHN F. WARREN, Clerk of the County Courts of Dallas County, Texas. GIVEN UNDER MY HAND AND SEAL OF OFFICE, at Dallas, Texas, and issued this 1st day of December, 2020 A.D.

JOHN F. WARREN, Dallas County Clerk

By , Deputy
Lupe Perez



ATTORNEY

CITATION

**PLAINTIFF'S ORIGINAL PETITION
WITH DISCLOSURES**

CC-20-05156-D

IN THE COUNTY COURT OF DALLAS
County Court at Law No. 4
Dallas County, Texas

DEREJE EKUBAMICAEL, *Plaintiff(s)*

VS.

DALSON ZANE SMITH; SATCHELL
CREEK EXPRESS INC, *Defendant(s)*

SERVE:

SATCHELL CREEK EXPRESS INC
SERVE REGISTERED AGENT
SUSAN WILLIAMS
10756 SE SATCHELL CREEK ROAD
LEON KS 67074

ISSUED THIS
1ST DAY OF DECEMBER, 2020

JOHN F. WARREN, COUNTY CLERK
BY: LUPE PEREZ, DEPUTY

Attorney for Plaintiff

EDWARD W SAMPSON
4851 LBJ FREEWAY
SUITE 710
DALLAS TX 75244
214-880-1789

**NO OFFICER'S FEES HAVE BEEN
COLLECTED BY DALLAS COUNTY CLERK**

OFFICER'S RETURN

CC-20-05156-D County Court at Law No. 4

DEREJE EKUBAMICAEL vs. DALSON ZANE SMITH, SATCHELL CREEK EXPRESS INC

ADDRESS FOR SERVICE:

SERVE REGISTERED AGENT SUSAN WILLIAMS
10756 SE SATCHELL CREEK ROAD
LEON KS 67074

Fees:

Came to hand on the ____ day of _____, 20____, at ____ o'clock ____ .m., and executed in _____ County, Texas by delivering to SATCHELL CREEK EXPRESS INC in person, a true copy of this Citation together with the accompanying copy of the PLAINTIFF'S ORIGINAL PETITION WITH DISCLOSURES with the date and service at the following times and places to-wit:

Name	Date/Time	Place, Course and Distance from Courthouse
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_____	_____	_____
_____	_____	_____

And not executed as to the defendant(s), _____

The diligence used in finding said defendant(s) being:

_____ and the cause or failure to execute this process is:

_____ and the information received as to the whereabouts of said defendant(s) being:

Serving Petition and Copy \$ _____, Officer

Total \$ _____, County, Texas

By: _____, Deputy

_____, Affiant

CC-20-05156-D

CAUSE NO. _____

DEREJE EKUBAMICAEL,	§	IN THE COUNTY COURT
	§	
<i>Plaintiff,</i>	§	
	§	
v.	§	AT LAW NO. _____
	§	
DALSON ZANE SMITH and	§	
SATCHELL CREEK EXPRESS INC,	§	
	§	
<i>Defendants.</i>	§	DALLAS COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION WITH DISCLOSURES**TO THE HONORABLE JUDGE OF SAID COURT:**

COMES NOW, Plaintiff, Dereje Ekubamicael and files this his Petition complaining of Dalson Zane Smith and Satchell Creek Express Inc, Defendants, and for cause of action would respectfully show the following:

I.
DISCOVERY CONTROL PLAN

1.01 Discovery in this matter is intended to be conducted under Level 2 of the Texas Rules of Civil Procedure.

II.
PARTIES AND VENUE

2.01 Plaintiff, DEREJE EKUBAMICAEL, is an individual who resides in Dallas County, Texas.

2.02 Defendant, DALSON ZANE SMITH, is an Oklahoma resident and may be served with process at his address located at 931 S McClendon Avenue, Atoka, Oklahoma 74525.

2.03 Defendant, SATCHELL CREEK EXPRESS INC, is a Kansas corporation doing business in the State of Texas and may be served with process by serving its registered agent, Susan Williams at 10756 SE Satchell Creek Road, Leon, Kansas, 67074.

2.04 Venue is proper in Dallas County because the collision made the basis of this lawsuit occurred in Dallas County. All damages sought by Plaintiff are within the jurisdictional limits of this Court. Plaintiff seeks monetary relief of over \$250,000 but no more than \$1,000,000.

III. **FACTS**

3.01 On or about April 19, 2019, Plaintiff was travelling on IH 35E and was slowing down due to traffic, when Defendant Smith suddenly and unexpectedly drove his vehicle into Plaintiff's vehicle. As a result of the collision, Plaintiff sustained injuries as described herein.

3.02 As a direct and proximate result thereof, Plaintiff sustained physical injuries and other damages which are set forth in more detail below.

IV. **NEGLIGENCE**

4.01 Defendant Smith was negligent in the following respects, among others:

- a. by failing to keep a proper look;
- b. by failing to control his speed;
- c. by failing to timely apply his brakes;
- d. by failing to maintain a safe and clear distance;
- e. by driving his car into Plaintiff's vehicle;
- f. by failing to operate his vehicle in an ordinary and prudent manner.

4.02 As a direct and proximate result of Defendant Smith aforementioned actions and omissions, Plaintiff has sustained severe and permanent physical injuries and other damages set forth in more detail below.

4.03 Defendant Satchell Creek Express Inc was negligent under the theory of respondeat superior. At all times referenced, herein Defendant Smith was working as an employee or agent of Satchell Creek Express Inc. Defendant Satchell Creek Express Inc was further negligent in that it negligently trained and entrusted the vehicle to Defendant Smith.

V.
DAMAGES TO PLAINTIFF

5.01 As a direct and proximate result of the negligence of Defendants, Plaintiff suffered injuries to his neck and back, among other areas of his body.

5.02 As a proximate result thereof, Plaintiff has incurred and suffered the following damages for which he seeks recovery.

- a. medical expenses in the past and future;
- b. impairment in the past and future;
- c. pain, suffering and mental anguish in the past;
- d. pain, suffering and mental anguish in the future;
- e. prejudgment and postjudgment interest;
- f. costs of suit;
- g. all other relief, in law and in equity, to which Plaintiff may be entitled.

VI.
INTENT TO USE DEFENDANT'S DOCUMENTS

6.01 Any document produced by Defendants in response to written discovery will be used by Plaintiff at any pretrial proceeding or trial.

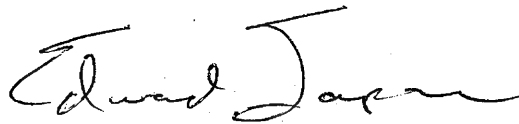
VII.
REQUEST FOR DISCLOSURE

7.01 Pursuant to TRCP 194.2, Plaintiff's request that Defendants produce the material outlined and identified in Rule 194.2 Request for Disclosures.

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that Defendants be cited to appear and answer herein and upon final trial hereof, he take, have and recover, of and from said Defendants, the above damages, costs of court, pre-judgment interest, post-judgment interest, and for such other and further relief to which he may show himself to be justly entitled.

Respectfully submitted,

LAW OFFICES OF EDWARD W. SAMPSON, PC



Edward W. Sampson
State Bar No. 90001985
4851 LBJ Freeway, Suite 710
Dallas, Texas 75244
(214) 880-1789
(214) 220-1233 (facsimile)
sampsonefile@gmail.com

ATTORNEY FOR PLAINTIFF

CAUSE NO. CC-20-05156-D

DEREJE EKUBAMICAEL,

PLAINTIFF,

VS.

**DALTON ZANE SMITH AND
SATCHELL CREEK EXPRESS INC.,**

DEFENDANTS.

§
§
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§
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§
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IN THE COUNTY COURT

AT LAW NO. 4

DALLAS COUNTY, TEXAS

**DEFENDANTS DALTON ZANE SMITH AND SATCHELL CREEK EXPRESS INC.'S
ORIGINAL ANSWER TO PLAINTIFF'S ORIGINAL PETITION
AND DEMAND FOR JURY TRIAL**

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW, Dalton Zane Smith and Satchell Creek Express Inc., Defendants in the above-styled and numbered cause, and files this, their Original Answer to Plaintiff's Original Petition and Demand for Jury Trial, and would respectfully show the Court the following:

I.

GENERAL DENIAL

Defendants generally deny each and every, all and singular, the material allegations contained in the Plaintiff's Original Petition and, being allegations of fact, demand that the Plaintiff be required to prove such allegations by a preponderance of the evidence if the Plaintiff can so do.

II.

DEMAND FOR JURY TRIAL

Defendants hereby demand a trial by jury and submit the appropriate jury fee.

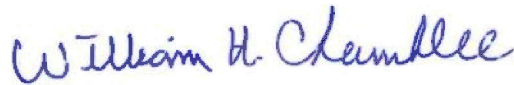
III.

Defendants request a Level III Discovery Plan.

WHEREFORE, PREMISES CONSIDERED, Defendants pray that Plaintiff takes nothing by this suit; and that Defendants go hence without delay and recover all costs expended in Defendants' behalf. Praying further, Defendants pray for such other and further relief, either at law or in equity, to which Defendants may be justly entitled.

Respectfully submitted,

CHAMBLEE RYAN, P.C.



By: _____

William H. Chamblee
State Bar No. 04086100
wchamblee@cr.law
O. Luke Davis, III
State Bar No. 05532700
ldavis@cr.law

2777 Stemmons Freeway, Suite 1257
Dallas, Texas 75207
(214) 905-2003
(214) 905-1213 (Facsimile)
ATTORNEY FOR DEFENDANTS
Dalton Zane Smith and Satchell Creek Express
Inc.

CERTIFICATE OF SERVICE

I do hereby certify that on January 27, 2021 a true and correct copy of the above and foregoing document has been served via the court's e-file/e-service system to all counsel of record.



William H. Chamblee

EXHIBIT D

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS**

Plaintiff

v.

Civil Action No.

Defendant

CERTIFICATE OF INTERESTED PERSONS

(This form also satisfies Fed. R. Civ. P. 7.1)

Pursuant to Fed. R. Civ. P. 7.1 and LR 3.1(c), LR 3.2(e), LR 7.4, LR 81.1(a)(4)(D), and LR 81.2,

provides the following information:

For a nongovernmental corporate party, the name(s) of its parent corporation and any publicly held corporation that owns 10% or more of its stock (if none, state "None"):

****Please separate names with a comma. Only text visible within box will print.***

A complete list of all persons, associations of persons, firms, partnerships, corporations, guarantors, insurers, affiliates, parent or subsidiary corporations, or other legal entities that are financially interested in the outcome of the case:

****Please separate names with a comma. Only text visible within box will print.***

Date: _____
Signature: _____
Print Name: _____
Bar Number: _____
Address: _____
City, State, Zip: _____
Telephone: _____
Fax: _____
E-Mail: _____